

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Vernon Samuel Brown a/k/a Vernon S.
Brown,) C.A. No.: 9:09-cv-00920-RBH
Plaintiff,)
vs.)
Correctional Officer Danny Dunbar, Sgt.)
Angla Collins,)
Defendants.

ORDER

Plaintiff, a state prisoner proceeding *pro se*, brought this suit pursuant to 42 U.S.C. § 1983. This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Bristow Marchant, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718

F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted as modified¹ and incorporated by reference. Therefore, it is

ORDERED that Plaintiff’s motions for summary judgment and for a preliminary injunction are denied. It is further ordered that, to the extent Plaintiff has requested injunctive relief in his complaint, Defendants are granted summary judgment on that request. Additionally, Defendants are granted summary judgment as to Plaintiff’s request for monetary damages. Accordingly, Plaintiff’s complaint in the above-captioned case is dismissed with prejudice.

IT IS SO ORDERED.

s/R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
April 28, 2010

¹ The court notes that the final sentence of the Report and Recommendation’s conclusion stated that summary judgment for Defendants should be denied as to Plaintiff’s request for monetary damages. Report at 7. However, upon review, this statement was clearly a scrivener’s error. The body of the Report explicitly states twice that summary judgment should be granted in favor of Defendants as to Plaintiff’s monetary damages claim, and also gives the reasons supporting the grant of summary judgment. Accordingly, this court’s order grants summary judgment in favor of Defendants as to Plaintiff’s monetary damages claim, and therefore adopts as modified the Magistrate Judge’s Report.